

MENOMINEE TRIBAL LEGISLATURE – REGULAR  
DECEMBER 2, 2010  
MENOMINEE TRIBAL OFFICE BOARD ROOM  
KESHENA, WI 54135  
5:00 P.M.

**MEMBERS PRESENT:**

Laurie A. Boivin, Tribal Chairwoman  
Randal Chevalier  
Lynnette A. Miller  
Myrna R. Warrington  
Lisa S. Waukau  
Bruce J. Pecore  
Kenneth A. Fish  
David A. Miller  
Rebecca D. Alegria

**1. Call to Order – Roll Call**

Chairwoman Boivin called the Meeting to order at 5:00 P.M. Roll Call was taken with a quorum present.

**2. Menominee Prayer.**

Legislator Alegria said the Menominee Prayer in the Menominee and English Language.

**3. Public Comment Period.**

There were no public comments made at this time.

**4. Final Approval of Ordinance No. 10-30 Residential Lease Requests.**

**MOTION BY REBECCA ALEGRIA FOR FINAL APPROVAL OF MENOMINEE TRIBAL ORDINANCE NO. 10-30 RESIDENTIAL LEASE REQUESTS. SECOND WAS MADE BY BRUCE PECORE. THE MOTION CARRIED: 9 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 0 ABSENT.**

**5. Final Approval of Ordinance No. 10-31 – Recreational Lease Requests.**

**MOTION BY LYNNETTE MILLER FOR FINAL APPROVAL OF ORDINANCE NO. 10-31 RECREATIONAL LEASE REQUESTS. SECOND WAS MADE BY REBECCA ALEGRIA. THE MOTION CARRIED: 9 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 0 ABSENT.**

**6. 10-Day Waiver Request(s).**

There were no 10-day waiver request(s) made at this time.

**7. Renew DOT Crash Data Sharing Agreement – Sandy Stankevich.**

**MOTION BY RANDAL CHEVALIER TO RENEW THE WISCONSIN DEPARTMENT OF TRANSPORTATION CRASH DATA SHARING AGREEMENT FOR THREE (3) YEARS. (DECEMBER 2,**

**2013) SECOND WAS MADE BY BRUCE PECORE. THE MOTION CARRIED: 6 FOR, 2 OPPOSED (FISH & D. MILLER), 0 ABSTENTIONS, AND 0 ABSENT**

**PLEASE NOTE: Legislator Fish qualified his opposition as follows:** *"I'm concerned about the sovereignty and jurisdictional issues I think this is a new project, it is a new project, and I think that the Tribe should approach these areas that we've never approached before and we should approach them with caution so that we can get out of the contracts at the end of the year rather than being stuck with a contract for three (3) years."*

**Legislator D. Miller qualified his opposition as follows:** *"basically what Mr. Fish has to say, and it doesn't seem like it would be a problem to have DOT Representative here every year until we come to a solid conclusion that this is something that we want to go forward with."*

**8. Approval of Administrative Leave for Elder's Christmas Party – December 10, 2010.**

**MOTION BY RANDAL CHEVALIER TO APPROVE ADMINISTRATIVE LEAVE ON DECEMBER 10, 2010 BETWEEN THE HOURS OF 10:00 A.M. – 2:00 P.M. FOR THE TRIBAL ELDER'S AGE 55 AND OVER TO ATTEND THE CHRISTMAS PARTY. SECOND WAS MADE BY MYRNA WARRINGTON. THE MOTION IS CARRIED: 8 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 0 ABSENT.**

**9. Proposed Internal Audit Schedule for Fiscal Year 2011.**

**MOTION BY LYNNETTE MILLER TO APPROVE THE INTERNAL AUDIT PROPOSED SCHEDULE FOR FY' 2011. SECOND WAS MADE BY MYRNA WARRINGTON. THE MOTION CARRIED: 8 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 0 ABSENT.**

**10. Final Approval of Forest Management Plan.**

**MOTION BY MYRNA WARRINGTON TO CONCUR WITH THE FOREST MANAGEMENT PLAN TASK FORCE OF DECEMBER 1, 2010 TO SEND THE RECOMMENDED CHANGES MADE BY THE MENOMINEE TRIBAL ENTERPRISES TASK FORCE AND THE ANALYSIS DONE BY CHRISTOPHER CALDWELL BE SUBMITTED TO MTE / MTL TECHNICAL WORKGROUP AND THEN BROUGHT BACK TO FMP TASK FORCE FOR DISCUSSION AND ACTION AT THE DECEMBER 9, 2010 MEETING. NO SECOND NECESSARY.**

Legislators questioned if the FMP is not approved by the end of the year if that would halt production at MTE?

Chairwoman Boivin informed MTL that she requested Chris Caldwell to draft a letter to ask the BIA to either expedite the document or during their review to keep the current FMP in place until they make a determination. In addition, Sean Hart of the BIA has been receiving all information as we go along; nevertheless, the letter is being drafted as it is approved.

The motion and meeting minutes of the FMP Task Force of December 1, 2010 submitted was incorrect. The motion should have read as follows: *"Motion by Myrna Warrington to concur with the Forest Management Plan Task Force of December 1, 2010 to send the recommended changes made by the Menominee Tribal Enterprises Task Force and the analysis done by Christopher Caldwell and the MTE/MTL Technical Workgroup and then brought back to FMP Task Force at the December 9, 2010 meeting."*

In addition, when the Legislature has worked to get MTE to the table for the last two (2) years on this document, so this situation isn't the Tribe's fault. It was the lack of communication by MTE, and one of the excuses was well we didn't have the CFI data. Well the CFI data is probably 10-15% information that is included in this document so you have 85-90% of the document that could have been completed. If we're going to send it to the BIA, it needs to be the original before MTE started commenting on the document. MTE wants more control by removing a lot of that information out of the document, because MTL is the Body that manages that Trust Responsibility through the Management Plan. In the name of the health of our forest and our people the Tribe needs to ensure that we make the correct decisions, because this will affect our people for the next fifteen (15) years.

The FMP Task Force meeting minutes did not reflect what actually transpired during the FMP Task Force meeting, and they reflect to be political for whatever reason that is unknown at this time, and need to be revisited.

Chairwoman Boivin informed the Legislature that if this motion isn't correct to defeat the motion and then make the correct motion.

***THE MOTION IS DEFEATED: 0 FOR, 8 OPPOSED (FISH, D. MILLER, ALEGRIA, CHEVALIER, L. MILLER, WARRINGTON, WAUKAU, & PECORE), 0 ABSTENTIONS, AND 0 ABSENT.***

**PLEASE NOTE: Legislator's Fish, D. Miller, Alegria, Chevalier, L. Miller, Warrington, Waukau, And Pecore did not qualify their oppositions.**

**MOTION BY KENNETH FISH THAT THE MTE TASK FORCE RECOMMENDED CHANGES BY THE MENOMINEE TRIBAL ENTERPRISES TASK FORCE AND AN ANALYSIS BE DONE BY CHRISTOPHER CALDWELL, AND THE MTE / MTL TECHNICAL WORKGROUP, AND THEN BRING IT BACK TO THE FMP TASK FORCE FOR DISCUSSION/ACTION ON DECEMBER 9, 2010 MEETING. SECOND WAS MADE BY BRUCE PECORE.**

**PLEASE NOTE:** This motion was withdrawn, because the revisions made by Christopher Caldwell were changed without anyone's knowledge, and it is unsure which revision is the correct document.

**MOTION BY BRUCE PECORE TO TURN IN THE OCTOBER 22, 2010 FOREST MANAGEMENT PLAN (FMP) VERSION TO THE BUREAU OF INDIAN AFFAIRS (BIA) WITH THE COMMENTARY OF THE TRUST RESPONSIBILITY LANGUAGE AND THE MENOMINEE TRIBAL LEGISLATURE (MTL) SUBMISSION AUTHORITY LANGUAGE. SECOND WAS MADE BY RANDAL CHEVALIER.**

**PLEASE NOTE:** This motion was withdrawn, because MTL is still unsure which document is actually the correct document they want to be sent to the BIA for approval, because Chris Caldwell submitted a matrix of the changes and there are two (2) versions of the October 22<sup>nd</sup> FMP. One has the word "draft" and the other version does not. The FMP Task Force made a motion to incorporate the language that was removed from the document, and MTL wants that language put back into the document before MTL will approve. It was decided to set another special meeting to ensure that MTL is approving the correct document, and also to give Chris Caldwell time to review and resubmit the correct document for approval.

**MOTION BY BRUCE PECORE TO SET A SPECIAL LEGISLATIVE MEETING ON MONDAY, DECEMBER 6, 2010 AT 3:30 P.M. ON THE FMP. SECOND WAS MADE BY MYRNA WARRINGTON. THE MOTION IS CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (CHEVALIER).**

**PLEASE NOTE:** *Legislator Chevalier stepped out of the meeting at 6:15 P.M., and didn't return until 6:26 P.M.*

**11. Menominee Conservation Commission Recommendation of November 15, 2010 – Extend 2008 - 2010 Hunting & Trapping Rules and Regulations.**

**MOTION BY DAVID MILLER TO APPROVE THE EXTENSION OF THE 2008-2010 HUNTING & TRAPPING RULES AND REGULATIONS FOR A SIX (6) MONTH PERIOD. SECOND WAS MADE BY MYRNA WARRINGTON. THE MOTION IS CARRIED: 5 FOR, 3 OPPOSE (CHEVALIER, FISH, & ALEGRIA), 0 ABSTENTIONS, AND 0 ABSENT.**

**PLEASE NOTE:** *Legislator Chevalier qualified his opposition as follows: "I believe that limiting Tribal member's rights has to be in a form of an Ordinance, and the regulation is not in that form."*

**Legislator Fish qualified his opposition as follows: "it's a Constitutional Ordinance procedure and we're not following that procedure."**

**Legislator Alegria qualified her opposition as follows: "same as Legislator's Chevalier and Fish."**

**12. Resolution No. 10-\_\_\_ Support of an Application to the Wisconsin Department of Natural Resources (DNR) Urban Forestry Program.**

**MOTION BY LYNNETTE MILLER TO APPROVE RESOLUTION NO. 10-74 RESOLUTION IN SUPPORT OF AN APPLICATION TO THE WISCONSIN DEPARTMENT OF NATURAL RESOURCES WISCONSIN DEPARTMENT OF NATURAL RESOURCES (DNR) URBAN FORESTRY PROGRAM, WAIVE THE READING, AND AUTHORIZE SIGNATURES. SECOND WAS MADE BY BRUCE PECORE. THE MOTION IS CARRIED: 8 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 0 ABSENT.**

**13. Other Business: Matters of an Immediate Nature that Cannot Wait Until the Next Meeting.**

**MOTION BY LYNNETTE MILLER TO ENTERTAIN "OTHER BUSINESS: MATTERS OF AN IMMEDIATE NATURE THAT CANNOT WAIT UNTIL THE NEXT MEETING:" – 1) APPROVAL OF KIOSK TO APPEAR ON LAKE BUTTE DES MORTS BRIDGE; 2) PROCLAMATION FOR CHARTER COMMUNICATIONS; 3) CONSERVATION COMMISSION REQUEST TO BE ON OTHER BUSINESS. SECOND WAS MADE BY MYRNA WARRINGTON. THE MOTION CARRIED: 8 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 0 ABSENT.**

**1) Approval of Kiosk to Appear on Lake Butte Des Morts Bridge;**

**MOTION BY BRUCE PECORE TO APPROVE THE KIOSK ON THE LAKE BUTTE DES MORTS BRIDGE (STATE HWY. 41) USING THE INFORMATION THAT WAS GIVEN TO US IN THIS PACKET. SECOND WAS MADE BY DAVID MILLER. THE MOTION CARRIED: 8 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 0 ABSENT.**

**2) Proclamation for Charter Communications;**

**MOTION BY REBECCA ALEGRIA TO APPROVE THE PROCLAMATION FOR CHARTER COMMUNICATIONS INC., WAIVE THE READING, AND AUTHORIZE CHAIRWOMAN LAURIE BOIVIN TO SIGN. SECOND WAS MADE BY BRUCE PECORE. THE MOTION CARRIED: 8 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 0 ABSENT.**

**3) Conservation Commission Request to be on Other Business.**

**MOTION BY MYRNA WARRINGTON TO APPROVE THE CONSERVATION COMMISSION TO HOLD EDUCATIONAL MEETINGS IN THE SOUTH BRANCH AND MIDDLE VILLAGE COMMUNITIES REGARDING THE UPCOMING REFERENDUM FOR THE JANUARY 2011 ELECTIONS. SECOND WAS MADE BY LYNNETTE MILLER. *THE MOTION IS DEFEATED*: 3 FOR, 4 OPPOSED (FISH, ALEGRIA, CHEVALIER, & PECORE), 1 ABSTENTION (D. MILLER), AND 0 ABSENT.**

**PLEASE NOTE:** Legislator Fish, Alegria, Chevalier, & Pecore did not qualify their opposition.

**Legislator D. Miller did not qualify his abstention.**

**PLEASE NOTE:** *The motion was defeated, because it was decided that if required Tribal Government would educate tribal members.*

**14. 1<sup>st</sup> Consideration of Ordinance No. 10-32 Alternative Sentencing for Veterans Ordinance.**

**MOTION BY KENNETH FISH TO *TABLE* THIS ITEM THE ALTERNATIVE SENTENCING FOR VETERAN'S ORDINANCE (*1<sup>ST</sup> CONSIDERATION OF ORDINANCE NO. 10-32*) UNTIL THE NEXT MEETING. SECOND WAS MADE BY MYRNA WARRINGTON. THE MOTION CARRIED: 8 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 0 ABSENT.**

**15. Final Approval of Amendment to Ordinance No. 10-20 Fiscal Year 2011 Tribal Budget.**

**MOTION BY LISA WAUKAU FOR FINAL APPROVAL OF AMENDMENT TO ORDINANCE NO. 10-20 FISCAL YEAR 2011 TRIBAL BUDGET. SECOND WAS MADE BY LYNNETTE MILLER. THE MOTION CARRIED: 8 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 0 ABSENT.**

**16. Final Approval of Ordinance No. 10-33 Fiscal Year 2011 Special Appropriations.**

**MOTION BY LYNNETTE MILLER FOR FINAL APPROVAL OF ORDINANCE NO. 10-33 FISCAL YEAR 2011 SPECIAL APPROPRIATIONS. SECOND WAS MADE BY RANDAL CHEVALIER. THE MOTION CARRIED: 7 FOR, 1 OPPOSED (PECORE), 0 ABSTENTIONS, AND 0 ABSENT.**

**PLEASE NOTE:** Legislator Pecore qualified his opposition as follows: *"As noted in previous meetings."*

**17. Legislative Time on Task Reports.**

**MOTION BY DAVID MILLER THAT WE TAKE A RECOMMENDATION FOR ITEM NUMBER 53 AND 54 AND FORWARD IT TO THE HEALTH & FAMILY COMMITTEE, AND THAT WE**

**FORWARD ITEM 52 TO THE ENFORCEMENT RESOURCE AND PROTECTION COMMITTEE FOR FURTHER DISCUSSION. SECOND WAS MADE BY LYNNETTE MILLER. THE MOTION CARRIED: 8 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 0 ABSENT.**

**18. Travel Authorization Requests.**

There were no travel authorization requests made at this time.

**19. Approval of Minutes: 1) November 4, 2010 – Regular; & 2) November 18, 2010 – Regular.**

**1) November 4, 2010 – Regular; &**

**MOTION BY LYNNETTE MILLER TO APPROVE THE REGULAR MEETING OF THE MENOMINEE TRIBAL LEGISLATURE MINUTES OF NOVEMBER 4, 2010 WITH ANY POTENTIAL CORRECTIONS. SECOND WAS MADE BY KENNETH FISH. THE MOTION CARRIED: 8 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 0 ABSENT.**

**2) November 18, 2010 – Regular.**

**MOTION BY KENNETH FISH TO APPROVE THE LEGISLATURE MEETING MINUTES OF NOVEMBER 18, 2010 WITH CORRECTIONS. SECOND WAS MADE BY REBECCA ALEGRIA. THE MOTION CARRIED: 8 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 0 ABSENT.**

**20. Committee Reports and Recommendations**

- a. Enforcement and Resource Protection Committee of December 15, 2010.**
  - i. Request Legal Opinion Regarding Overtime Hours.**

**MOOT – This issue has been taken care of already.**

**21. 2010 Legislative Goals Progress Reports.**

The Legislature updated each other on the progress they have reached thus far. There was no action requested at this time.

**22. As per LRP 5.03 – EXECUTIVE SESSION: (A) Legal – 1) Menominee Enrollment Committee Vital Records Report; 2) Legal Opinion OSHA; & 3) Legal Contract Negotiations; (B) Personnel; & (C) Gaming – 1) Kenosha Project Update; & 2) MIGA Board Updates.**

**MOTION BY RANDAL CHEVALIER TO GO INTO EXECUTIVE SESSION. SECOND WAS MADE BY BRUCE PECORE. THE MOTION CARRIED: 8 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 0 ABSENT.**

***\*\* EXECUTIVE SESSION WAS NOT RECORDED \*\****

**MOTION BY LYNNETTE MILLER TO COME OUT OF EXECUTIVE SESSION. SECOND WAS MADE BY RANDAL CHEVALIER. THE MOTION CARRIED: 8 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 0 ABSENT.**

**(A) Legal**

**1) Menominee Enrollment Committee Vital Records Report;**

There was no motion made after coming out of Executive Session.

**2) Legal Opinion OSHA; &**

There was no motion made after coming out of Executive Session.

**3) Legal Contract Negotiations;**

There was no motion made after coming out of Executive Session.

**(B) Personnel; &**

There was no motion made after coming out of Executive Session.

**C) Gaming**

**1) Kenosha Project Update; & 2) MIGA Board Updates.**

**MOTION BY BRUCE PECORE FOR MYSELF, JOHN WILHELMI, AND DAVID MILLER TO SET UP AN APPOINTMENT WITH KMD MGM NEXT WEEK WHILE DAVID MILLER AND I ARE IN THAT AREA. SECOND WAS MADE BY LISA WAUKAU. THE MOTION CARRIED: 8 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 0 ABSENT.**

**23. Adjournment.**

**MOTION BY RANDAL CHEVALIER/BRUCE PECORE TO ADJOURN. THE MOTION CARRIED: 8 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 0 ABSENT.**

Meeting Adjourned at 9:15 P.M.

Respectively submitted by,



Debra A. Bowman, Recorder/Transcriber  
**EXECUTIVE SECRETARY/CHAIRMAN'S OFFICE**